

FEB 06 2008

Certificate of Transmission under 37 CFR 1.8

PTO Fax No. 571-273-8300

I hereby certify that the following documents are attached hereto in regard to U.S. Patent Application No. 10/629,518, filed 29 July 2003, Applicant Derek Mitsumori et al, entitled SYSTEM AND METHOD FOR GENERATING REPORTS IN A NETWORK, Attorney Docket No. 519-038-USP.

on February 6, 2008.

Date


Sara B. McPeak

- | | |
|---|-----------------|
| 1. Submission of Issue Fee and Publication Fee Payments (abandoned app) . - | 2 pages |
| 2. Petition for Revival of an Application Abandoned Unintentionally - | 3 pages |
| 3. Part B - Fee Transmittal | 1 page |
| 4. Change of Correspondence Address | 1 page |
| 5. Fee Address Indication Form | 1 page |
| 6. Power of Attorney | 1 page |
| 7. Assignee Statement with attachments | <u>14 pages</u> |

Total pages including cover sheet:

24 pages.

Please notify us immediately (720-377-0770) if there is a problem with receipt of this fax.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Applicant	: Derek Mitsumori et al.	
Appln. No.	: 10/629,518	Confirmation No: 6060
Filed	: 29 July 2003	Group Art Unit: 2616
Title	: SYSTEM AND METHOD FOR GENERATING REPORTS IN A NETWORK	Examiner: Thai D. Hoang
		Docket No. 519-038-USP

**SUBMISSION OF ISSUE FEE PAYMENT AND PUBLICATION FEE PAYMENT
IN AN ABANDONED APPLICATION**

Via Facsimile 571-273-8300
U.S. Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned attorney hereby submits payment of the issue fee and publication fee in the above-referenced matter, which stands abandoned due to failure to respond to the Notice of Allowance and Fee(s) Due, mailed June 19, 2007, within the statutory period.

The above-referenced patent application was abandoned 15 October 2007. A Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Petition) is being filed contemporaneously with this submission, and attached to that Petition are the following:

1. Part B – Fees Transmittal PTOL-85
2. Fee Address Indication Form
3. Change of Correspondence Address
4. Power of Attorney and Assignee Statement with attachments

Please charge the Issue Fee Due (\$1440), and the Publication Fee Due (\$300.00) to

Hensley Kim & Holzer, LLC

1

Attorney Docket No. 519-038-USP

Deposit Account 50-3199. Authorization is hereby given to charge any additional fees that may be required to Deposit Account 50-3199.

Respectfully submitted,

Date: 06 February 2008

/Damon A. Rieth/

Damon A. Rieth Reg. No. 52167

Attorney for Applicant

USPTO Customer No. 69693

HENSLEY KIM & HOLZER, LLC

1660 Lincoln Street, Suite 3050

Denver, Colorado 80264

Tel: 720-377-0770

Fax: 720-377-0777

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PTO/SB/84 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 5630-09 / 519-038-USP
First named inventor: Derek Mitsumori	Art Unit: 2616	
Application Number: 10/629,518	Examiner: Thai D. Hoang	
Filed: 29 July 2003		
Title: SYSTEM AND METHOD FOR GENERATING REPORTS IN A NETWORK		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571)272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.		
NOTE: A grantable petition requires the following items:		
(1) Petition fee;		
(2) Reply and/or issue fee;		
(3) (Not Required) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and		
(4) Statement that the entire delay was unintentional.		
1. Petition fee		
<input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small entity - fee \$ <u>1,540</u> (37 CFR 1.17(l)).		
2. Reply and/or fee		
A. The reply and/or fee to the above-noted Office action in the form of		
<u>Petition to Revive Unintentionally Abandoned Application</u> (identify the type of reply):		
<input checked="" type="checkbox"/> Petition fee has been noted in above (1. Petition fee).		
<input checked="" type="checkbox"/> "Unintentionally Abandoned" statement in page 3 herein.		
B. The issue fee of \$ <u>1740</u>		
<input type="checkbox"/> has been paid previously on _____		
<input checked="" type="checkbox"/> is enclosed herewith.		

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEB 06 2008

PTO/SB/64 (09-05)

Approved for use through 03/31/2007. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. ☒ For fees authorized to be paid hereinabove, the Commissioner is hereby authorized to charge the fees, any deficiency of fees, and credit of any overpayments to USPTO Account No. 503199.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Damon A. Rieth/

06 February 2008

Signature

Date

Damon A. Rieth

52,167

Typed or printed name

Registration Number, if applicable

Hensley Kim & Holzer

720-377-0770

Address

Telephone Number

1860 Lincoln Street, Suite 3000, Denver, CO 80264

Address

- Enclosures: ☒ Fee Payment Petition to Revive Unintentionally Abandoned Application fee = \$1540.00
☒ Reply - Part B - Fees Transmittal in the amount of \$1740.00
☐ Terminal Disclaimer Form (Not Applicable)
☒ Page 3 herein containing statements establishing unintentional delay
☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
☒ transmitted by FACSIMILE TRANSMISSION (571) 273-8300 on the date shown below to the United States Patent and Trademark Office.

06 February 2008

/Sara B. McPeak/

Date

Signature

Sara B. McPeak

Typed or printed name of person signing certificate

FEB 06 2008

PTO/SB/84 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

NOTE: The following showing of the cause of unintentional delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

/Damon A. Rieth/

06 February 2008

Signature

Date

Damon A. Rieth

52,167

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

STATEMENT UNDER 37 CFR 1.137(b)(3)

Pursuant to 37 CFR 1.137 (b) (3), the entire delay in filing a reply to the Notice of Allowance mailed June 19, 2007 was unintentional.

The Notice of Allowance was sent to Thelen, Reid, Brown, Raysman & Steiner LLP (Thelen) which had the Power of Attorney, on June 19, 2007. Thelen did not forward the Notice of Allowance to the Applicant (Level 3 Communications) or the undersigned until January 11, 2008. As such, the Undersigned and the Applicant did not receive the Notice of Allowance from Thelen until over 3 ½ months after the Issue Fee payment was due. The Undersigned and the Applicant have diligently worked to obtain assignments from the inventors in order to change the Power of Attorney and correspondence address.

Dated: 06 February 2008

Signed /Damon A. Rieth/

Damon A. Rieth
Hensley Kim & Holzer
1660 Lincoln Street, Suite 3000
Denver, CO 80264
Phone: 720-377-0770

(Please attach additional sheets if additional space is needed.)

PART B - FEE(S) TRANSMITTAL

RECEIVED
CENTRAL FAX CENTER

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax** (571)-273-2885

FEB 06 2008

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

29858 7590 06/19/2007

~~THELEN REID BROWN RAYSMAN & STEINER LLP~~
~~900 THIRD AVENUE~~
~~NEW YORK, NY 10022~~

Hensley Kim & Holzer, LLC
1660 Lincoln Street, Suite 3000
Denver, Colorado 80264

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Sara B. McPeak	(Depositor's name)
Sara B. McPeak	(Signature)
February 6, 2008	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/629,518	07/29/2003	Derek Mitsumori	5630-09	6060
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TITLE OF INVENTION: SYSTEM AND METHOD FOR GENERATING REPORTS IN A NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional	NO	\$1440	\$300	\$0	\$1740	09/19/2007
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EXAMINER	ART UNIT	CLASS-SUBCLASS
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HOANG, THAI D	2616	370-426000
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1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list
(1) the name of the first named inventor, Hensley Kim & Holzer, LLC

Best Available Copy